

# **EXHIBIT F**

1

2

3

4

5

6

7

8

9

10

11

12

13 Oracle v. Rimini Street

14 U.S. District Court

15 District of Nevada – Las Vegas

16 May 17, 2011

17

18

19

20

21

22

23

24

25

Page 6

1 discussions that we've had and start working on  
2 the details of the language. Um, because without  
3 that, it's hard to refine things down to their—  
4 the precision that's needed to know if we have  
5 agreement or not.

6 Two issues, I think, um, that are going  
7 to be particularly, uh, um, challenging for the  
8 parties to get through. The first is how to  
9 reduce the set of licenses and test those license  
10 terms. Test the defendants' license defense, um,  
11 in defense to the alleged infringement. And I  
12 think there, maybe, the parties are just coming  
13 at it from opposite directions.

14 From Oracle's perspective, we think  
15 that, uh, a set of infringement, or a set of  
16 conduct, has to be selected, and then the  
17 licenses that relate specifically to that conduct  
18 can be tested. And then that way, you get an  
19 entire universe conduct, alleged conduct, and  
20 defense.

21 The way we understand the Defendants'  
22 proposal so far, they would like to select a set  
23 of license terms that are representative, and  
24 apply that to whatever conduct is selective. And  
25 we think that that disconnect isn't going to

TSG Reporting - Worldwide 877-702-9580

Page 8

1 license? In other words, do you— Do you try and  
2 generate a license that, in— in its aggregate,  
3 doesn't exist, but is, nevertheless, in its  
4 terms, representative of the incidence of those  
5 terms in the overall population.

6 JUDGE LEEN: Kind of a claim  
7 construction for license agreement?

8 GEOFFREY HOWARD: Right. Yeah. Yeah.

9 JUDGE LEEN: Okay. All right.

10 GEOFFREY HOWARD: Yeah. That's— That's—  
11 That's a fair way of looking at it. Um, so,  
12 there's more work to do there. Um, the other  
13 issue that I think is— has been challenging the  
14 parties is, how to select and then extrapolate  
15 the conduct that, um, that is going to be tested  
16 through this process. And— And— And there, part  
17 of it is a logistical issue and a statistical  
18 issue, that we just need to get down to the  
19 nitty-gritty of.

20 Part of it, though, is understanding  
21 what that conduct is that's going to be tested.  
22 And, from our perspective, we've had a couple of  
23 depositions now that have been— important  
24 depositions that have been postponed because of—  
25 of late and— and large document productions, uh,

TSG Reporting - Worldwide 877-702-9580

Page 7

1 work.

2 Um, we're still working on that. Um,  
3 but the good news is, we've narrowed down the  
4 issues. Um, we think we have general agreement on  
5 the concept of how we're going to go about it,  
6 and I am hopeful that we'll be able to work  
7 through, um, these obstacles.

8 JUDGE LEEN: My impression when I was  
9 reading, uh, your discussion in the joint status  
10 report is that each side is vying to require the  
11 other side to show first.

12 GEOFFREY HOWARD: Well, that— that may  
13 be— that's— That may be a fair way of looking at  
14 it. Um, and I think the question really, from our  
15 perspective, is, do you get to associate a  
16 license with conduct that doesn't necessarily  
17 relate to that license? And, you know, there may  
18 be some other creative things we can do to— to  
19 get through that.

20 The other— The other issue—

21 JUDGE LEEN: Are there a variety of  
22 different kinds of licenses? Or, is the license,  
23 um— is there a license or a specimen license?

24 GEOFFREY HOWARD: I— I think that's in  
25 question. Or, do you manufacture a specimen

TSG Reporting - Worldwide 877-702-9580

Page 9

1 shortly in advance of the original scheduled  
2 date. A lot of documents that had been produced,  
3 um, as the Defendants are trying to meet their  
4 deadlines.

5 Uh, and so, we're hard at work going  
6 through there, to make sure that we understand  
7 what set of conduct we would include in these  
8 issues that would be subset issues to test. Right  
9 now, we are not confident that we understand all  
10 of them, and— and things tend to change, as  
11 things do, as you go through Discovery. Um, and  
12 so that is just going to take a little time to  
13 work through.

14 I don't think it should hold up the  
15 drafting of the Stipulation, but it— it is going  
16 to be down to the wire, I think, at least, to get  
17 through them— that material, get through some—  
18 the next two or three depositions, so that we can  
19 be comfortable that we've got the right set of  
20 conduct that would be — even though it's a subset  
21 — that would then be tested and extrapolated out  
22 to the business activity as a whole, um, at— at  
23 Rimini Street.

24 I think that's my— that's my summary of  
25 where we are. Um, we think that— that, uh,

TSG Reporting - Worldwide 877-702-9580

Page 38	Page 39
<p>1 discovery with respect to that, uh, should be  2 permitted. So, your request to compel that  3 further discovery is denied. Okay?  4 I will give you, uh, the follow-up— uh,  5 the status conference that you requested on June  6 28th. Mr. Miller, could you check what the, uh,  7 schedule is and give them a time?  8 [PAUSE]  9 MR. MILLER: Your Honor, the [UNINTEL —  10 PAPERS SHUFFLING] of this matter for Tuesday,  11 June 28, 2011 at 9:30 a.m. in this Courtroom.  12 JUDGE LEEN: Anything further, Counsel  13 for Plaintiffs?  14 GEOFFREY HOWARD: No, thank you, Your  15 Honor.  16 JUDGE LEEN: Counsel for Defendants?  17 ROBERT RECKERS: Nothing for us.  18 JUDGE LEEN: All right. Thank you for  19 appearing here today. Good day, now.  20 BAILIFF: All rise.  21 JAMES MAROULIS: Thank you, Your Honor.  22  23  24  25</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>1 Gotham Transcription states that the preceding  2 transcript was created by one of its employees  3 using standard electronic transcription equipment  4 and is a true and accurate record of the audio on  5 the provided media to the best of that employee's  6 ability. The media from which we worked was  7 provided to us. We can make no statement as to  8 its authenticity.  9  10 Attested to by:  11  12  13 Sonya Ledanski Hyde  14  15  16  17  18  19  20  21  22  23  24  25</p> <p>TSG Reporting - Worldwide 877-702-9580</p>